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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA (Asheville)

No. 1:20-cv-00066-WGY

CARYN DEVINS STRICKLAND, formerly known as Jane Roe,
Plaintiff

vs.

UNITED STATES OF AMERICA, et al,
Defendants

For Zoom Hearing Before:
Judge William G. Young

Further Final Pretrial

United States District Court
District of Massachusetts (Boston)
One Courthouse Way
Boston, Massachusetts 02210
Thursday, November 16, 2023

REPORTER: RICHARD H. ROMANOW, RPR
Official Court Reporter
United States District Court
One Courthouse Way, Room 5510, Boston, MA 02210
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1 P R O C E E D I N G S

2 (Begins, 3:00 p.m.)

3 THE CLERK: Now hearing Civil Matter 20-00066,
4 Strickland vs. United States of America, et al.

5 THE COURT: Good afternoon counsel. This is a
6 further pretrial conference held pursuant to Federal
7 Rule of Civil Procedure 16. This conference is open to
8 the public. Our host is Courtroom Deputy Clerk,
9 Jennifer Gaudet. The proceedings are taken down by our
10 Official Court Reporter, Rich Romanow. They are open to
11 the public. And if any members of the public are
12 present, I must remind you to keep your microphone muted
13 and that the rules of court remain in full force and
14 effect, that is to say there is no taping, streaming,
15 rebroadcast, screen shots, or other transcription of
16 these proceedings.

17 With that said, would counsel introduce
18 themselves, starting with the plaintiff.

19 MR. STRICKLAND: Yes, good afternoon, your Honor,
20 Cooper Strickland for the plaintiff.

21 THE COURT: Good afternoon.

22 MS. STRICKLAND: And Caryn Strickland. Thank you.

23 THE COURT: Good afternoon to you both.

24 The defense?

25 MR. KOLSKY: Good afternoon, your Honor, Joshua

1 Kolsky for the defendants.

2 MS. McMAHON: Good afternoon, your Honor, Madeline
3 McMahon for the defendants.

4 MS. CANEVARI: Dorothy Canevari, also for
5 defendants.

6 MS. YOUNG: Danielle Young, also for the
7 defendants.

8 THE COURT: Well good afternoon.

9 What I want to do here is I'm going to start at
10 the end really and talk about the trial, and there is,
11 um, well you can be some help to me with respect to the
12 trial in one respect, and I'm going to tell you what I
13 need, and then there are a number of motions, some of
14 which I can address this afternoon, others I have taken
15 under advisement. And once I've run through all those,
16 then I'm open for questions as to how these proceedings
17 will work.

18 So starting at the end, we're on for the 11th of
19 December, a Monday, under the earlier pretrial
20 conference we said this wouldn't last more than 5 days.
21 I'm not going to sit on the 12th of December. So we'll
22 sit on the 11th, the 13th, the 14th, the 15th, and if
23 we're not done, we'll sit on the 18th of December. The
24 one thing that I need is I need a joint exhibit list.

25 Now the plaintiffs have favored me with a fairly

1 thorough list of objections to a variety of exhibits
2 that they think the government -- I'm going to stop
3 talking about the "government" here, though frequently
4 that's the way I would do it, and I recognize the United
5 States has taken over the defense of this matter, but
6 I'm going to talk about the judiciary, and we all know
7 who we're talking about here given the nature of the
8 suit.

9 So the counsel for the judiciary and the
10 plaintiffs, what I want from you is a joint exhibit
11 list, and I want the plaintiff to list all the exhibits
12 that she hopes to put before the Court and the defense
13 to do likewise, and then I of course want copies of all
14 these exhibits well in advance of the 11th. If there is
15 an objection, and as I say I've gone over the
16 plaintiff's objections, but if there's an objection on
17 this list, just give those exhibits letters, letters to
18 the Base 26. So once you've done A to Z, then AA, AB,
19 AC, and the like, not AA, BB, CC.

20 You need not spell out your objections, we can
21 work that out at the time of trial, unless you object to
22 the authenticity of the document, that it's not a
23 genuine document, and in that case, um, just note
24 "Authenticity." This is not to cost you more money, and
25 we'll try to keep that down, but I want a specific

1 exhibit list starting with -- certainly you agree on
2 some exhibits, that is you agree they're admissible, and
3 those exhibits should get numbers, not the "Plaintiff's
4 1" and the "Defendants's 1," just 1 through however many
5 numbers, and then we won't take any time at the time of
6 trial, we'll just understand that those exhibits are in
7 evidence, and I may, um, review them, look at them, rely
8 upon them in arriving at the Court's conclusions.

9 Now it seems to me, having said that, let me take
10 -- I had the Clerk print out a pending motions report,
11 and I'm going to go through that in reverse order having
12 reference to the substantive motions by the ECF number.
13 And I recognize that certain of these motions are not
14 yet ripe, but I think we can save some time by my
15 expressing my present view with respect to those
16 motions, because I think it will be helpful if you know
17 where I'm at.

18 So again, in reverse order, um, ECF Number 334 is
19 the Judiciary's motion in limine to exclude a proposed
20 expert, Gary Albrecht. That motion is denied.
21 Mr. Albrecht may testify. But in part I am -- again I
22 recognize it's not ripe, but I'm going to tell you I am
23 of a mind to deny the admission of the deposition
24 testimony and various documents, that's not the way to
25 proceed with respect to an expert. I think Mr. Albrecht

1 can testify, um, and I will want to have his report in
2 hand when he testifies because I'm going to confine his
3 testimony to his report. But, um, I -- I just cannot
4 see the basis for allowing the deposition testimony
5 report and the other things just to come in evidence
6 without any live testimony. So that's my present
7 intention. If the plaintiffs think that that's in
8 error, that can be briefed.

9 Then, um, again working backwards, there is the
10 Judiciary's motion in limine to exclude plaintiff's,
11 quote, "Me-too," closed quote, evidence. That motion,
12 um, really I'm not going to treat that as a motion --
13 well you've made a motion in limine, so I guess the
14 proper thing to do is to deny that motion. I don't,
15 um -- I'm not going to exclude that evidence pretrial.
16 I've read the materials that have been submitted. But
17 it does seem to me that if there is appropriate "Me-too"
18 evidence, evidence -- and I make no ruling on that, then
19 such witnesses may be called, and I will see if they are
20 similarly situated and, um, sufficiently close in time
21 and the like. So that's open to the plaintiff, um, if
22 those witnesses are actually going to be produced.

23 Now, um, there are various -- well I'll skip over
24 them. Let me go back to the motion in limine to exclude
25 -- it's Number 323, the motion in limine to exclude the

1 expert, Ms. Thomas, filed by the Judiciary.

2 That's -- again the defense hasn't had -- or
3 rather the plaintiff hasn't had a chance to respond to
4 that motion, but let me state my reaction. I again,
5 I've read at least what has been submitted, and it
6 doesn't seem to me that Ms. Thomas qualifies under 702,
7 but it would be an error for me to so rule today, and I
8 do not, but I advise that I don't know that there is
9 such definitive standards for Human Resources practices
10 that one can allow expert testimony on such matters.
11 And again, I'm pretty clear that we're not going to just
12 accept deposition testimony and reports and the like,
13 they're hearsay. But I'm going to proceed subject of
14 course to the plaintiff's response here. We'll let
15 Ms. Thomas, um, let Ms. Thomas be qualified in the
16 trial, but before we get any opinions from her, we'll
17 let the defense cross-examine as to the question of her
18 qualifications to actually testify.

19 Then, um, again skipping back, there is really --
20 and I say this advisedly, there is a well-crafted motion
21 for reconsideration of the Court's memorandum and order
22 denying the plaintiff's motion for summary judgment. I
23 did want to, um -- I wanted to explain that. There is
24 no need for the Judiciary to respond, motions for
25 reconsideration require no response, and the motion is

1 going to be denied. The motion is denied. But it's
2 appropriate that the Court explain its reasoning. I've
3 already written an opinion denying the, um, or rather
4 granting in part and denying in part the motion for
5 summary judgment. The motion for reconsideration is
6 based upon three types of evidence, and let me deal with
7 each one of them separately and then together.

8 The plaintiff claims that the liability case has
9 been made out by the pleadings of the Judiciary,
10 especially the admissions in the Judiciary's answer
11 here. The plaintiff is correct that statements made in
12 an answer are judicial admissions, they establish the
13 point, but having gone over them all, I don't see that
14 makes out the plaintiff's case. What the Judiciary
15 admits, and properly so, they admit that certain things
16 happened, that certain meetings were held, that certain
17 statements were made, all of those are established.
18 We're not going to waste any trial time on any of those
19 things. But taking all of those things together, that
20 does not establish any of the remaining of plaintiff's
21 claims.

22 Then, added to that, the plaintiff, um, faults the
23 Court for not paying attention to the unredacted, um,
24 "Me-to" evidence. Respectfully, the plaintiff is
25 correct, I looked at the redacted data, I'm always

1 concerned about making decisions on matters that are not
2 publicly available, and I had enough in the unredacted
3 data to understand that evidence. There is alleged
4 "Me-to" evidence. The evidence claims to be from people
5 similarly situated and in a timely and relevant
6 position. If such evidence exists, it will be admitted
7 at trial.

8 But the law is -- the law of summary judgment, as
9 explicated by the Supreme Court in **Reeves vs. Sanderson**
10 **Plumbing**, is that I am not to make any fact findings on
11 a motion for summary judgment and indeed I am to
12 disregard all evidence that a -- that the factfinder --
13 in this case I'm the factfinder, is free to disregard.
14 Now plaintiff makes the point, or at least claims, that
15 I can't disregard it because the Judiciary has not
16 expressly denied it. The plaintiff bears the burden of
17 proof here and under the summary judgment standard, I'm
18 supposed to, and I am, supposed to draw all reasonable
19 inferences contrary to the plaintiff's position. I have
20 done so. And so I deny it. That's not a final
21 adjudication, we're looking toward the trial now.

22 And then lastly, and, um, really perhaps most
23 important for the plaintiff's position, the plaintiff
24 points out various factual matters which, as near as I
25 can see, are generally undisputed and constitute

1 admissible evidence and, um, can, if I draw inferences
2 in favor of the plaintiff, um, result in a liability
3 finding at least on behalf of the plaintiff. And I
4 advert specifically to the letter of reprimand for
5 Mr. Martinez.

6 That's, um, on two bases that letter is
7 admissible. It's admissible as a report, a government
8 report under 8038, but under 8038 the conclusions would
9 not be admissible. But of course that was rendered by
10 an employee of the Judiciary, and under 802(d)(ii)(D),
11 it's admissible as an admission. It's not conclusive,
12 but it's certainly admissible as an admission.

13 Then there is the e-mail in which the
14 investigator, um, does draw the conclusion that
15 Mr. Martinez was biased. Well that's evidence, indeed
16 it may well be powerful evidence, and again under
17 802(d)(ii)(D), that's an admission by the Judiciary.
18 The Judiciary is going to have to deal with that at
19 trial. So both of those things, I think, get in
20 evidence.

21 But the bottom line is, um, that at the summary
22 judgment stage, recognizing that these two, and other
23 evidence, will be admitted, I am to draw all inferences
24 against the moving party, here the plaintiff. I've done
25 that. And having done that, I must deny, and I did deny

1 the motion for summary judgment in part, as you already
2 know, and I deny the motion for reconsideration.

3 I likewise, um, let's see here. The, um -- again
4 working back from the motion for reconsideration, um,
5 ECF 285, the plaintiff's motion in limine, I'm not
6 striking any expert witnesses, but there is a motion to
7 exclude their testimony. I'm not striking any trial
8 witnesses, but there's a motion in limine to exclude
9 their testimony. Both those motions, 284 and 285, are
10 under advisement.

11 The motion in limine filed relative to
12 after-acquired evidence, 282, that's under advisement.
13 The motion for sanctions and to disqualify the
14 Judiciary's attorneys, Motion 270, that's denied. The
15 motion is without merit.

16 Now it's that motion that has given rise to these,
17 um, notice to the challenge to the confidentiality
18 designation as to the plaintiff's reopened depositions.
19 The way we're going to -- it may be moot now, since I've
20 denied the motions for sanctions, but if it's not moot,
21 if there are data in there that the defense thinks they
22 can use in their case, the way we're going to handle
23 that is, um, I'll rule on ECF 299, the motion for leave
24 to file unredacted versions of Numbers 294 and 295.
25 Well you can file -- the way we'll deal with that is

1 file a deposition, file a deposition unredacted, I'll
2 review it, and see if, under appropriate claims of
3 privilege, any of it need be redacted. And once I'm
4 armed with that, the -- should it come up during trial,
5 I'll be in a position properly to rule on it.

6 One last thing, um, circling back to the trial.
7 At our last hearing, Ms. Strickland said, um, in her
8 capacity as counsel, that it was not her intention to
9 take the stand, and I recall that I said, "Oh, well
10 that's all right," or words to that effect, and of
11 course that's accurate, it is all right, she doesn't
12 have to testify in a civil case. And, um -- but I must
13 say to all the litigants, to counsel, um, that if she
14 doesn't take the stand, that does not foreclose the
15 defense from calling her as an adverse witness and it
16 does not suspend the rules of evidence. It does not
17 make her hearsay statements -- even under oath it does
18 not make them admissible. And so I simply advise
19 counsel of that, because I thought my answer that it was
20 all right, though accurate, did not give a full picture.
21 I have to follow the rules of evidence here and I'm
22 going to.

23 And, um, with all of these things said, I think
24 I'm about done. So I am open not to argument, because
25 I've acted only on matters that I have carefully

1 reviewed, and I'm satisfied with the rulings that I've
2 made, but to answer questions. And I really -- I really
3 do want this to go smoothly, and so I'm open to your
4 questions.

5 Mr. Strickland, one thing you ask, and I'm afraid
6 I don't have an answer for you today, is where the trial
7 physically -- where the trial will take place? And
8 while I'm going to have to try it in a courtroom in the
9 Western District of North Carolina, it depends on what
10 courtrooms are available. And I understand that you
11 prefer it to be tried in the Asheville Division, is that
12 right?

13 MR. STRICKLAND: Yes, your Honor.

14 THE COURT: Okay. My Courtroom Deputy,
15 Ms. Gaudet, will be working on that and we'll advise
16 everyone well in advance of trial. But we will try to
17 accommodate that.

18 Any other questions?

19 MR. STRICKLAND: Yes, um, on that. If the Court
20 is going to move it to Charlotte, we would request
21 notice so that we can brief that issue. If the Court --

22 THE COURT: Yes, I just said that, we'll give you
23 as much advance notice as we can.

24 Any other questions?

25 MR. STRICKLAND: Yes.

1 Starting with your last ruling on a motion, 299,
2 you said that to file the deposition unredacted. Is
3 that under seal?

4 THE COURT: Um, yes, it may be filed with the
5 Court under seal so that I can make a preliminary
6 determination of such challenges as may come up. Good
7 question.

8 Anything else?

9 MR. STRICKLAND: And then, um, just to go ahead
10 and put it on the record, um, if you were to make a
11 determination that you wanted to unseal it after
12 reviewing it, we would ask that -- I would orally move
13 now, pursuant to Local Rule 7.1(a), that you stay that
14 decision pending an opportunity to seek interrogatory
15 appeal.

16 THE COURT: Well I'm not going to rule on the
17 motion to stay, but you've advised me of that.

18 MR. STRICKLAND: Yes.

19 THE COURT: Thank you. And I do acknowledge the
20 notice.

21 MR. STRICKLAND: Okay. And then I have another
22 question.

23 So we are definitively starting at 9:00 a.m. on
24 December 11th?

25 THE COURT: (Laughs.) I wish I could say "Yes."

1 So far as I can tell, the answer is "Yes."

2 MR. STRICKLAND: Okay. Because your public
3 calendar indicates that you have three criminal trials
4 starting on the 11th and you have a bench trial carrying
5 over from the week before.

6 THE COURT: You're very good at following up
7 what's going to happen. We're going to -- we, this
8 case, ***Strickland vs. the United States***, is going to
9 start on the 11th insofar as I can make that happen.
10 Don't worry about what it now states.

11 All good questions.

12 Defense, any questions?

13 MR. KOLSKY: Yes, your Honor, we do have a number
14 of questions and we're going to try to get through them
15 as quickly as possible.

16 THE COURT: Sure.

17 MR. KOLSKY: So first, the plaintiff has
18 designated deposition testimony for several witnesses
19 who we intend to call live, so we would appreciate the
20 Court's guidance as to how the Court would like us to
21 proceed for those witnesses. In other words, if the
22 plaintiff presents deposition testimony during her case,
23 are we still permitted to call those witnesses live and
24 have them testify at trial?

25 THE COURT: The answer is "Yes."

1 MR. KOLSKY: And is it correct that we are not
2 limited in terms of the subject matters that they can
3 testify about?

4 THE COURT: I can't see any reason to limit it.

5 MR. KOLSKY: Very well. Thank you.

6 If both parties plan to call a particular witness
7 to testify live, will that witness testify once or
8 twice?

9 THE COURT: Well that's a good question and here's
10 how I handle it.

11 If you call an adverse witness -- if the plaintiff
12 calls an adverse witness, in other words if the
13 plaintiff calls an officer of the Judiciary, or an
14 employee of the Judiciary, plaintiff's counsel may take
15 that witness on cross-examination. The way I work it is
16 that the cost for calling an adverse witness is that as
17 to those things that the plaintiff has inquired about,
18 you must take that witness on cross -- you may take that
19 witness on cross-examination as well, and you can't go
20 any further, you have to recall that witness as part of
21 your case.

22 I'm in the middle of a big antitrust case, which
23 the Department of Justice is handling, and in that case
24 the parties agreed, so that a witness would not have to
25 come back more than once, that even though it was an

1 adverse witness, there could be general cross -- general
2 examination, but once you got beyond the scope of the
3 examination by the party who called the witness, you
4 would have to take the witness as on direct as though it
5 was a usual nonparty witness. I would urge such
6 agreement so that, um, a witness would not have to come
7 back. But if you're not going to agree, I must follow
8 the rules, or I will follow rules strictly, and then
9 you'll have to bring a witness back. And the mirror
10 image, if you were to call the plaintiff, or someone so
11 clearly adverse that the rule for adverse witnesses
12 apply, that's the rule I follow.

13 Does that answer your question?

14 MR. KOLSKY: Yes, your Honor. Thank you very
15 much.

16 The next question. Is there a date by which the
17 parties will know the order that witnesses will testify?

18 THE COURT: I don't usually, um -- again, by
19 agreement, it would be very helpful if you could agree
20 on that. I don't usually require that that be
21 disclosed.

22 MR. KOLSKY: Thank you.

23 Now a few questions about exhibits. The plaintiff
24 has produced, in discovery, several audio recordings
25 that she made of various conversations. She intends to

1 introduce some of those recordings, and we intend to
2 introduce others, but the plaintiff has objected to the
3 recordings that we intend to introduce. It would be
4 helpful if we could try to resolve those objections now
5 or at least get an understanding from the Court as to
6 whether the Court will expect us to play the entire
7 recording during the trial to admit them into evidence.
8 And I would just note that some of these recordings are,
9 you know, an hour, two hours long.

10 THE COURT: This is a jury-waived proceeding. The
11 question is only a question of admissibility. I'm not
12 prepared -- though it's a good question, I'm not
13 prepared to entertain argument or make rulings on the
14 admissibility of any such recordings or excerpts of
15 recordings. So what will happen is the plaintiff -- you
16 will either agree, and of course I hope you will agree,
17 and on your joint exhibit list you will agree that
18 recording such and such, and such and such, may be
19 played, and a copy will be delivered, in advance of
20 trial, to the Court. It's like deposition testimony.
21 We're not going to read deposition testimony, but I'm
22 going to read it, if you designate it and it is
23 appropriate that such deposition testimony be before the
24 Court.

25 And so then at a time that is convenient to me,

1 I'm going to listen to these recordings. And if you
2 agree, I will listen to the recordings prior to the 11th
3 of December, so that we may all know that I've listened
4 to them, and, um, the live witnesses may be questioned
5 in regard to them. If we don't do that, what will
6 happen is I will make my rulings. If I exclude it, um,
7 then it will still have its letter for designation. If
8 I admit it, we will give it the next number. And we
9 will understand that I will have listened to it prior to
10 the next day's testimony.

11 Does that answer the question?

12 MR. KOLSKY: Well, yes. I'm just not sure if we
13 will -- if your Honor is expecting us to play the entire
14 recording?

15 THE COURT: I'm not expecting you to play
16 anything. I am saying that if you want to play
17 something and the evidence is that it is appropriately
18 part of the evidence, then I will say something like
19 that, "This tape recording may be admitted, it will now
20 be Exhibit 16," and then it is in evidence. And I will
21 have listened to it, not during trial time, I'm keeping
22 time, this case isn't going longer than 5 days, I will
23 listen to it on my own time. But when I come to write,
24 under Rule 52, my findings and rulings, anything I say
25 is admitted, I will have listened to it, and anything I

1 say is excluded, um, is excluded, I'm not going to rely
2 on it in any way.

3 Does that answer your question?

4 MR. KOLSKY: Yes. Thank you, your Honor.

5 THE COURT: All right.

6 MR. KOLSKY: A few more questions.

7 Will we be permitted to use the plaintiff's
8 exhibits that are in evidence that are not joint
9 exhibits?

10 THE COURT: Well there aren't -- the answer is
11 "Yes." But there aren't plaintiff's exhibits or
12 defendants' exhibits, there are -- some things are
13 either in evidence or not in evidence. So get together
14 and give me a single list. If you can agree, fine. If
15 you can't, they have letters. If they get numbers,
16 during the course of the trial, then both sides can use
17 them. There's much to be gained by agreement here.

18 MR. KOLSKY: Yeah, and related to that, your
19 Honor, there are certain exhibits that both parties have
20 listed on their exhibit list, but plaintiff is objecting
21 to, and so I'm not sure how we should include those
22 exhibits on the list?

23 THE COURT: Well now I've entered the order about
24 the list that I want, so you have to have another
25 conference and you have to decide what is going to be

1 shown to me by agreement, and it gets a number. The
2 fact that it's by agreement, it's like I explain to
3 juries, that doesn't mean that they have to rely on it,
4 it just means I can look at it. Those things that one
5 side or the other says they object to, in the trial
6 you'll come up and you'll say -- or you'll have a
7 witness because you'll have to lay some sort of
8 foundation, and you'll say, "And I show you Exhibit C.
9 Do you recognize it? What is it?" And once we have the
10 foundation, you say, "I offer Exhibit C." They say
11 whatever they say and I admit it or exclude it. If I
12 admit it, it gets the next number, and then we have it.

13 MR. KOLSKY: Your Honor --

14 THE COURT: That's how I try a case. Does that
15 make sense?

16 MR. KOLSKY: Yes, it does. Thank you.

17 THE COURT: All right.

18 MR. KOLSKY: By when would you like us to submit
19 copies of the exhibits to the Court?

20 THE COURT: Say a week before, by the, um --
21 really by the -- well if we're going to start on the
22 11th, the week before is -- I'll say submit them by
23 Friday the 1st of December.

24 MR. KOLSKY: And do you want us to submit to you
25 binders with paper copies of the exhibits or submit them

1 electronically, what is the Court's preference?

2 THE COURT: Um, well, um, the binders with paper
3 copies would be the best.

4 MR. KOLSKY: Okay. And for audio files, should we
5 submit a CD containing --

6 THE COURT: Exactly. Yes.

7 MR. KOLSKY: Okay.

8 Regarding the time for trial. If we call a
9 witness, I understand that the time for the direct
10 examination is counted against us. Is the time for the
11 cross-examination counted against the plaintiff?

12 THE COURT: Correct.

13 MR. KOLSKY: And is the revenue stage of the
14 trial, including experts to testify about, you know,
15 front pay, is that included in the time that each side
16 gets for trial or --

17 THE COURT: It is.

18 MR. KOLSKY: Okay. Particularly in light of that,
19 your Honor, we are concerned about the amount of time
20 available for trial. We had requested a week for trial
21 and we were asking for a full week, 5 full days, instead
22 of the 5 half days that have been reserved. So we would
23 respectfully renew that request for a full week at 35
24 hours of trial time.

25 THE COURT: No, it's denied. You'll find that, um

1 -- you're calling this a "half day," you'll find 9:00
2 till 1:00 with me is a lengthy period.

3 MR. KOLSKY: Understood. Thank you, your Honor.

4 And just two more questions. Is it correct that
5 we can submit our trial briefs after the trial?

6 THE COURT: Well you can, but, um, I'm not
7 waiting. The best time to resolve the case is
8 immediately upon its submission to the Court when
9 everything is as fresh as it can be. So the sooner you
10 submit requests for rulings, requests for findings, the
11 trial brief, the better off we are. The better off we
12 all are. You can always amend them.

13 MR. KOLSKY: Understood. Thank you.

14 And the last question. We do intend to designate
15 a party representative to attend the trial. I just
16 wanted to make sure there are no concerns with that?

17 THE COURT: I have none.

18 MR. KOLSKY: Thank you.

19 THE COURT: Do their questions raise any questions
20 with you, Mr. Strickland, or Ms. Strickland?

21 MR. STRICKLAND: I do not want to beat a dead
22 horse, but it sounds like numbered exhibits are
23 essentially those that there are no authentication
24 issues with, the foundation issues, things like that,
25 not other types of objections?

1 THE COURT: Like what?

2 MR. STRICKLAND: Like a hearsay objection.

3 THE COURT: Oh, no, if you have a hearsay
4 objection, then that should have a letter.

5 MR. STRICKLAND: Okay.

6 THE COURT: Nothing else?

7 (Silence.)

8 THE COURT: All right, hearing nothing, I look
9 forward to seeing you on the 11th, unless the case were
10 otherwise to resolve. If it does, a simple phone call
11 to Ms. Gaudet is all that's necessary. We will let you
12 know the place of trial just as soon as we know.

13 All right, we'll recess.

14 (Ends, 3:15 p.m.)

15

16 C E R T I F I C A T E

17

18 I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER,
19 do hereby certify that the foregoing record is a true
20 and accurate transcription of my stenographic notes
21 before Judge William G. Young, on Thursday, November 16,
22 2023, to the best of my skill and ability.

23

24 /s/ Richard H. Romanow 03-21-24

25 RICHARD H. ROMANOW Date